

Message Text

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 EUR-08 SSO-00 NSC-05 NSCE-00

INR-05 INRE-00 IO-03 EA-06 EB-03 CIAE-00 TRSE-00 SP-02

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 0526

INFO USMISSION GENEVA IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

USMISSION EC BRUSSELS IMMEDIATE

USMISSION OECD PARIS IMMEDIATE

AMEMBASSY ROME IMMEDIATE

AMEMBASSY THE HAGUE IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY TOKYO IMMEDIATE

AMEMBASSY OTTAWA IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 BONN 12168

LIMDIS

E.O. 11652: GDS

TAGS: EINV, PFOR, PGOV, UN, ECOSOC

SUBJECT: ECOSOC: U.S. PROPOSAL FOR INTERNATIONAL
AGREEMENT ON ILICIT PAYMENTS

REF: (A) STATE 176665; (B) BONN 11984

1. EMBOFF EXPLAINED U.S. CONCERNS ABOUT GERMAN
INITIATIVE TO VON DEWITZ ON JULY 19, STRESSING THAT
FRG SHOULD REMAIN NEUTRAL IF IT CANNOT AGREE WITH BASIC
THRUST OF U.S. PROPOSAL. VON DEWITZ RESPONDED THAT
FRG HAS SERIOUS PROBIEMS WITH U.S. PROPOSAL AS IT IS
PRESENTLY FORMULATED. IN FRG VIEW, BRIBERY ISSUE IS
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A DIFFICULT AND COMPLEX PROBLEM, AND MORE SHOULD BE

KNOWN ABOUT IT BEFORE ACTION IS TAKEN AT INTERNATIONAL LEVEL. VON DEWITZ WANTS U.S. TO UNDERSTAND THAT IT IS NOT LACK OF INTEREST IN BRIBERY ISSUE THAT UNDERLIES FRG POSITION, BUT RATHER SERIOUS RESERVATIONS THAT INTERNATIONAL AGREEMENT IS RIGHT APPROACH. AT TIME WHEN U.S. IS PUSHING HARD TO WIN DELEGATE SUPPORT FOR ITS VIEWS, FRG INACTIVITY COULD WELL RESULT IN ECOSOC APPROVAL OF MANDATE FOR SPECIAL PREPARATORY COMMITTEE ALONG LINES PROPOSED BY U.S. SINCE THIS WOULD NOT BE IN ACCORD WITH FRG INTERESTS, VON DEWITZ DID NOT SEE HOW FRG COULD REFRAIN FROM EFFORTS TO OBTAIN SUPPORT FOR ITS VIEWS. IN THIS CONNECTION FRG HAS ALREADY RESPONDED TO REQUESTS BY JAPAN AND UK FOR EXCHANGE OF VIEWS, AND IN COURSE OF THE PAST WEEK HAS EXPLAINED ITS POSITION TO THESE GOVERNMENTS.

2. OBSERVING THAT FRG WOULD MUCH PREFER TO WORK WITH U.S. RATHER THAN OPPOSE U.S., VON DEWITZ EXPRESSED CONSIDERABLE INTEREST IN EXPLORING HOW FAR U.S.-PROPOSED DRAFT RESOLUTION COULD BE MODIFIED TO MEET GERMAN INTERESTS. EMBOFF REPLIED THAT U.S. COULD BE FLEXIBLE CONCERNING THE LANGUAGE OF THE RESOLUTION, BUT THAT WE ARE NOT PREPARED TO CHANGE THE BASIC THRUST POINTING TOWARD RAPID CONCLUSION OF A BINDING INTERNATIONAL AGREEMENT. STRESSING THAT THIS WAS ONLY HIS PERSONAL SUGGESTION, VON DEWITZ ASKED WHETHER U.S. COULD ACCEPT MORE GENERAL FORMULATION OF PARAGRAPHS 1 AND 2A WHICH WOULD TRANSFER TO PREPARATORY COMMITTEE THE RESPONSIBILITY FOR DECIDING WHAT TYPE OF RESPONSE IS NEEDED TO BRIBERY ISSUE. PARAGRAPH 1 MIGHT BE CHANGED BY DELETING REFERENCE TO INTERNATIONAL CONVENTION AND MAKING INSTEAD AN AFFIRMATION OF INTEREST IN SOME FORM OF INTERNATIONAL ACTION TO COMBAT CORRUPTION ON INTERNATIONAL SCALE. PARAGRAPH 2A MIGHT BE REDRAFTED TO GIVE THE SPECIAL PREPARATORY COMMITTEE A MANDATE TO ELABORATE OPTIONS OF HOW

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 12168

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ILLICIT PAYMENTS COULD BE COMBATTED. IF THERE IS ANY POSSIBILITY THAT U.S. COULD ACCEPT CHANGES ALONG ABOVE LINES, VON DEWITZ SAID THAT HE WOULD WORK TO OBTAIN A CHANGE IN THE OFFICIAL FRG POSITION. HAVING GIVEN HIS OWN SUGGESTIONS, HE ASKED FOR SPECIFIC LANGUAGE THAT U.S. COULD ACCEPT AS MODIFICATION OF THESE TWO PARAGRAPHS.

3. EMBOFF POINTED OUT TO VON DEWITZ THAT HIS SUGGESTIONS WOULD NOT RESOLVE U.S.-FRG DIFFERENCES, BUT WOULD ONLY SERVE TO TRANSFER THIS DEBATE FROM ECOSOC TO THE PREPARATORY COMMITTEE. VON DEWITZ AGREED, BUT REITERATED FRG INSISTENCE THAT STUDY IN DEPTH IS NEEDED ON ALL IMPLICATIONS OF VARIOUS
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POSSIBLE OPTIONS FOR COMBATTING CORRUPTION BEFORE IT IS CLEAR THAT INTERNATIONAL AGREEMENT IS BEST OPTION.

4. IN SUBSEQUENT DISCUSSION WITH ECONOMIC COUNSELOR, VON DEWITZ HELD FIRM TO HIS INSISTENCE THAT PREPARATORY COMMITTEE BE GIVEN A BROAD MANDATE TO EXAMINE THE BRIBERY ISSUE FULLY AND TO MAKE RECOMMENDATIONS ON VARIOUS POSSIBLE OPTIONS FOR INTERNATIONAL ACTION. HE DID AGREE, HOWEVER, THAT PREPARATORY COMMITTEE'S WORK PROGRAM MIGHT PERHAPS INCLUDE PREPARATION OF DRAFT INTERNATIONAL AGREEMENT. HE ALSO INDICATED

THAT AT THIS POINT FRG IS INTERESTED ONLY IN
SOUNDING OUT VIEWS OF EC MEMBERS AND A FEW OTHER
DCS. FRG WOULD ONLY TABLE ITS PROPOSAL AT ECOSOC
IF THESE PRELIMINARY DISCUSSIONS REVEAL THAT GENERAL
RECEPTIVITY TO THIS APPROACH EXISTS.
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